

June 1, 2018

William J. Froehlich, Chair
Administrative Judge
Atomic Safety and Licensing Board Panel
Mail Stop T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Mark O. Barnett
Administrative Judge
Atomic Safety and Licensing Board Panel
Mail Stop T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

G. Paul Bollwerk, III
Administrative Judge
Atomic Safety and Licensing Board Panel
Mail Stop T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

In the Matter of
POWERTECH (USA) INC.,
Docket No. 40-9075-MLA; ASLBP No. 10-898-02-MLA-BD01

Dear Administrative Judges:

In accordance with the Board's Partial Initial Decision issued on April 30, 2015, and the Board's Memorandum and Order issued on October 19, 2017, the Staff submits this monthly status report regarding the progress of its efforts to resolve Contention 1A.

In early May, the Staff selected SC&A as its contractor to support the implementation of the selected approach. During the initial onboarding meeting, the contractor advised the Staff that the selected approach did not include one Lakota Sioux Tribe – the Lower Brule Sioux Tribe. The Staff promptly reached out to the Tribal Historic Preservation Officer (THPO) of the Lower Brule Sioux Tribe by letter, email and phone to invite the Tribe to participate in the Staff's selected approach, including a teleconference/webinar to discuss the areas to be examined and the survey methodology to be implemented during the field survey scheduled for June and September 2018.¹ The Staff obtained the licensee's confirmation that it would provide reimbursement to the Lower Brule Sioux Tribe on the same basis as the other invited Tribes, and informed the Lower Brule Tribe of such by letter emailed on May 31, 2018.

With respect to the other invited Tribes, having received no responses to the Staff's April 13, 2018 letter regarding the Staff's selected approach by the requested date of May 11, 2018, the Staff followed up with the Tribes by letter, email, and phone to request information on the Tribes' availability for the teleconference/webinar. Based on input received from several Tribes as a result of this outreach, the Staff scheduled a teleconference/webinar for June 1 and June 4, 2018. Counsel for the Oglala Sioux Tribe notified the Staff that representatives of the Oglala Sioux Tribe plan to participate in the June 4 teleconference/webinar.²

¹ The Staff was unable to reach the THPO by phone, but left a voicemail explaining the purpose of the call and requesting a call back.

² During a telephone call with the Staff on May 21, 2018, counsel for the Oglala Sioux Tribe informed the Staff that as of that date the Oglala Sioux Tribe's THPO position remained vacant.

The Staff will update the Board on the status of its efforts to resolve Contention 1A on July 1, 2018.

Respectfully submitted,

***/Signed (electronically) by/
Emily Monteith***

Emily Monteith
Counsel for NRC Staff

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)	
)	
POWERTECH (USA) INC)	Docket No. 40-9075-MLA
)	ASLBP No. 10-898-02- MLA-BD01
)	
(Dewey-Burdock In Situ Uranium Recovery)	Date: June 1, 2018
Facility))	

CERTIFICATE OF SERVICE

Pursuant to 10 C.F.R. § 2.305, I hereby certify that copies of the "NRC STAFF'S STATUS REPORT" in this proceeding have been served via the Electronic Information Exchange (EIE), the NRC's E-Filing System, this 1st day of June, 2018. Counsel for the Staff served those representatives exempted from filing through the EIE with copies of its update by electronic mail, also on June 1, 2018.

***/Signed (electronically) by/
Emily Monteith***

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